



Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMPLE NSW 2073

Our ref: PP_2013_KURIN_002_00
Your ref: SO9768

Dear Mr McKee,

Planning Proposal to amend Ku-ring-gai Planning Scheme Ordinance

I am writing in response to Council's letter dated 9 July, 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to reclassify 20-28 Culworth Avenue and 17 Marian Street, Killara, from community land to operational land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Given the nature of the proposal, I have decided to issue an authorisation for Council to exercise delegation to make the Plan. Should Council subsequently identify interests in the land it wishes to extinguish, Council will not be able to exercise the delegation and will be required to submit the adopted Plan to the Department for finalisation.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's practice note PN09-003, *Classification and reclassification of public land through a local environmental plan*.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office at least 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Lillian Charlesworth of the Sydney West Regional Office of the Department on 02 9860 1101.

Yours sincerely,

7/8/2013

Rachel Cumming
Acting Regional Director
Sydney Region West
Planning Operations and Regional Delivery

Gateway Determination

Planning Proposal (Department Ref: PP_2013_KURIN_002_00): to reclassify 20-28 Culworth Avenue and 17 Marian Street, Killara (Lots 1-3 DP 119937, Lot 1 DP169841, Lot 6 Sec1 DP3694, Lot 1 DP359800 and Lot 2 DP932235), from community land to operational land.

I, the Acting Regional Director, Sydney Region West Team at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Ku-ring-gai Planning Scheme Ordinance to reclassify 20-28 Culworth Avenue and 17 Marian Street, Killara from community land to operational land should proceed subject to the following conditions:

1. Prior to public exhibition, the Planning Proposal is to be amended by ensuring that Figure's 1 and 2 are legible.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Maritime Services;
 - Transport for NSW; and
 - Railcorp
 - Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the Department's practice note PN09-003, as the Planning Proposal involves a reclassification from community to operational.
5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.



Dated 7th day of August 2013

Rachel Cumming
Acting Regional Director, Sydney Region West
Planning Operations and Regional Delivery
Department of Planning and Infrastructure
Delegate of the Minister for Planning and Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ku-ring-gai Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_KURIN_002_00	Planning proposal to reclassify 20-28 Culworth Avenue and 17 Marian Street, Killara from community land to operational land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 7th August 2013



Rachel Cumming
Acting Regional Director
Sydney Region West
Department of Planning and Infrastructure